

**Remarks**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 5, 6, 8, 10, 13 and 15-18 are pending in the present application. Claims 1, 2 and 8 have been amended, claims 3, 7, 9, 11, 12 and 14 have been cancelled, and claims 16-18 have been added by the present Amendment.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating claims 6 and 10 were allowable if rewritten in independent form.

**35 U.S.C. § 102(e) Rejection**

Claims 1, 3, 5, 7-9 and 11-15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Kajiyama et al. This rejection is respectfully traversed.

Independent claims 1, 2 and 8 have been amended to clarify that the minimum length of the marked phase or unmarked phase is 2T, in which T is a channel bit clock. Note, this is similar to the subject matter cited in dependent claims 3 and 7. Independent claim 1 has also been amended to recite that the optical recording medium includes normal data formed in the marked phase and the unmarked phase and that the normal data to is to be restored into original data. Independent claims 2 and 8 include similar features in a varying scope.

These features are shown in Figure 5, for example. Thus, according to the present invention, the recording capacity of a optical disk is increased.

On the contrary, the 1T pits disclosed in Kajiyama et al. are recorded in a copy protected area of the optical disk beforehand and are used to determine whether or not a loaded disk is a legal disk or an illegally copied disk (see the abstract; column 2, line 56 to column 3, line 7; column 6, lines 23-39; and Figure 5). Further, Kajiyama et al. specifically teaches that because normal recording signals are EFM-modulated and recorded, the pit length thereof is in a range of 3T to 11T (see column 2, lines 59-61). Thus, for normal data, Kajiyama et al. specifically teaches the range is 3T to 11T. This is similar to the conventional art discussed in conjunction with Figure 2 of the present application in which the channel bit clock is 3T.

This differs from the present invention in which the minimum length of the marked phase or the unmarked phase for the normal data is 2T.

Accordingly, it is respectfully submitted independent claims 1, 2 and 8 and each of the claims depending therefrom are allowable.

### New Claims

In addition, new claims 16-18 have been added to set forth the invention, and Applicant submits the new claims are supported by the originally filed specification. In more detail, dependent claims 16-18 depend on independent claims 1, 2 and 8, respectively, and clarify that the normal data includes data other than control data controlling how the data recorded on the optical recording medium is processed. Applicant respectfully submits the new claims are

supported in the specification at least by Figure 5 and the corresponding description in the specification. It is respectfully submitted dependent claims 16-18 further define over the applied art.

**Entry of Amendment**

In addition, it is respectfully requested this Amendment be entered.

**Conclusion**

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau, Reg. No. 42,325, (703) 205-8072, at the offices of Birch, Stewart, Kolasch & Birch, LLP, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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